THE LORD

# DIGBIES SPEECH

IN

# THE HOUSE OF *COMMONS.*

*To the Bill of Attainder, of the Earle of* STRAFFORD, *the* 21 *of* APRIL, 1641.

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# THE LORD DIGBYES Speech in the Houſe of Commons, to the Bill of Attainder of the Earle of *Strafford*, the 21. Aprill. 1641.

*Maſter Speaker,*

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Miniſter of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the preſent age by his Practizes, and fit to be made a terror to future ages by his puniſhment.

I have had the honor to be imployed by the Houſe in this great buſineſſe, from the firſt houres that it was taken into conſideration: it was a matter of great truſt, (and I will ſay with confidence) that I have ſerved the Houſe in it with induſtry, according to my ability, but with moſt exact faithfulneſſe and ſecrecy,

And as I have hitherto discharged my duty to this House and to my Country, in the progresse of this great Cause; so I trust I shall doe now in the last period of it, to God and to a good conscience.

I doe wish the peace of that unto my selfe, and the blessings of Almighty God to me and my posterity, according as my judgement on the life of this man; shall be consonant with my heart, and the best of my understanding in all integrity.

I know well Master Speaker, that by some things I have said of late, whilest this Bill was in agitation, I have raised some prejudices upon me in the cause.

Yea some (I thanke them for the plaine dealing) have beene so free as to tell me, that I suffered much by the backwardnesse I have shewn in this Bill of Attainder of the Earle of *Strafford*, against whom I had beene formerly so keene, so active.

Master Speaker, I begge of you and the rest but a suspension of judgement concerning me, till I have opened my heart unto you freely and clearely in this businesse.

Truely Sir, I am still the same in my opinions and affections, as unto the Earle of *Strafford*, I confidently beleeve him the most dange-

dangerous Miniſter, the moſt inſupportable to free ſubjects that can be characterd.

I beleeve his practices in themſelves as high, as tyrannicall, as any ſubject ever ventured on, and the malignity of them hugely aggravated by thoſe rare abilities of his, wherof God hath given him the uſe, but the Devill the application. In a word, I beleeve him ſtill that grand Apoſtate to the Commonwealth, who muſt not expect to be pardoned it in this world, till hee be diſpatch'd to the other. And yet let me tell you Maſter Speaker, my hand muſt not be to that diſpatch. I proteſt as my conſcience ſtands informed, I had rather it were off.

Let me unfold unto you the Myſterie, Maſter Speaker.

I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly, by putting you in mind of the difference betweene proſecutors and Judges.

How misbecomming that fervour would be in a Judge which perhaps was commendable in a proſecutor. Judges wee are now, and muſt put on another perſonage.

It is honeſt and Noble, to be earneſt in order to the diſcovery of Truth, but when that

hath beene brought as far as it can to light, our judgement thereupon ought to be calme, and cautious.

In proſecution upon probable grounds, we are accountable onely for our induſtrie or remiſneſſe, but in judgement, we are deeply reſponſable to God Almighty, for its rectitude or obliquity. In caſes of life, the Judge is Gods Steward of the parties bloud, and muſt give a ſtrict account for every droppe.

But as I told you Maſter Speaker, I will not inſiſt long upon this ground of difference in me now, from what I was formerly.

The truth on't is Sir, the ſame ground whereupon I (with the reſt of the five to whom you firſt committed the conſideration of my Lord of *Strafford*) brought downe our opinion, that it was fit he ſhould be accuſed of Treaſon, upon the ſame ground I was ingaged with earneſtneſſe in his proſecution, and had the ſame ground remained in that force of beliefe with me, which till verie lately it did, I ſhould not have beene tender in his condemnation. But truly Sir, to deale plainly with you, that ground of our accuſation, that ſpurre to our proſecution, and that which ſhould be the baſis of my judge-

ments,

ments, of the Earle of *Strafford*, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was Maſter Speaker.

His adviſing the King to employ the Army of *Ireland*, to reduce *England*.

This I was aſſured would be proved, before I gave my conſent to his accuſation, I was confirmed in the ſame beliefe, during the proſecution, and fortified in it moſt of all ſince *Sir Henry Vaines* preparatory examinations, by the aſſurances which that worthy member Maſter *Pymme* gave me, that his Teſtimony would be made convincing by ſome notes of what paſſed at the *Iunto* concurrent with it, which I ever underſtanding to be of ſome other Counſellour, you ſee now prove but a Copie of the ſame Secretaries notes, diſcover'd and produc't in the manner you have heard, and thoſe, ſuch diſjoynted fragments of the venemous part of diſcourſes, no reſults, no concluſions of Councels, which are the onely things that Secretaries ſhould regiſter, there being no uſe at all of the other, but to accuſe and to bring men into danger.

But Sir, this is not that which overthrowes the evidence with me, concerning

the

the Armie of *Ireland*; nor yet that all the reſt of the *Iunto* upon their oathes, remember nothing of it.

But this Sir, which I ſhall tell you, is that which workes with me under favour, to an utter overthrow of his evidence, as unto that of the Army of *Ireland*: Before, whil'ſt I was a proſecutor, and under tye of Secrecy, I might not diſcover any weakneſſe of the cauſe which now as a judge I muſt. Maſter Secretary was examined thrice upon oath, at the preparatory committee.

The firſt time he was queſtioned to all the *Interrogatories*, and to that part of the ſeventh which concernes the Army of *Ireland*, he ſaid poſitively in theſe words, I cannot charge him with that. But for the reſt, he deſires time to recollect himſelfe, which was granted him.

Some dayes after, he was examined a ſecond time, and then depoſes theſe words concerning the Kings being abſolved from rules of government, and ſo forth very clearely. But being preſt to that part, concerning the *Iriſh* Army, againe can ſay nothing to that.

Heere we thought we had done with him, till divers weeks after, my Lord of *Northumberland* and all others of the *Iunto*, denying to have

have heard any thing concerning those words of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more, and then he deposes these words, to have beene said by the Earle of *Strafford* to his Majesty: you have an Army in *Ireland*, which you may imploy heere to reduce, (or some word to that sence) this Kingdome.

Master Speaker, these are the circumstances which I confesse with my Conscience, thrust quite out of doores that grand Article of our charge, concerning his desperate advice to the King, of employing the *Irish* Armie heere.

Let not this I beseech you, be driven to an aspersion upon Master Secretary, as if he should have sworne otherwise then he knew or beleeved, he is too worthy to do that; onely let thus much be infer'd from it, that he who twice upon oath with time of recollection, could not remember any thing of such a businesse, might well a third time misremember somewhat: and in this businesse the difference of one Letter, here for there, or that for this, quite alters the case, the latter also being the more probable, since it is confest of all hands, that the debate then was concerning a war with *Scotland*, and you may re-

member that at the Bar he once said to employ there. And thus Master Speaker, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Straf-ford.*

This was that whereupon I accused him with a free heart, prosecuted him with earnestnesse, and had it to my understanding bin proved, should have condemned him with innocence. Whereas now I cannot satisfie my conscience to doe it.

I professe I can have no notion of any bodies intent to subvert the Lawes treasonably, but by force; and this designe of force not appearing, all his other wicked practises cannot amount so high with me.

I can find a more easie and more naturall spring, from whence to derive all his other Crimes, then from an intent to bring in Tyranny, and to make his owne posterity as well as us, Slaves, as from revenge, from Pride, from Avarice, from passion, and insolence of nature.

But had this of the *Irish* Army beene proved, it would have diffused a complexion of Treason over all, it would have beene a With indeed, to bind all those other scattered and lesser

lesser branches, as it were into a faggot of Treason.

I doe not say but the rest may represent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not say but they may justly direct us to Enact that the like shall be Treason for the future.

But God keepe me from giving judgement of death on any Man, and of ruine to his innocent Posterity, upon a Law made, *à Posteriori*.

Let the marke be set on the dore where the Plague is, and then let him that will enter dye.

I know Master Speaker, there is in Parliament a double power of life and death by Bill, a Judiciall power; and a Legislative: the measure of the one, is what's Legally just; of the other, what is prudentially and politickly fit for the good and preservation of the whole. But those two, under favour, are not to be confounded in Judgement. Wee must not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitnesse, with a pretence of legall Justice.

To condemne my Lord of *Strafford* judicially as for Treason, my conscience is not

assured that the matter will beare it.

And to doe it by the Legislative power, my reason consultively cannot agree to that, since I am perswaded, neither the Lords nor the King will passe the Bill, and consequently that our passing it, will be a cause of great divisions and combustions in the State.

And therefore my humble advise is, that laying aside this Bill of Attainder, wee may think of another, saving only life, such as may secure the State from my Lord of *Strafford*, without endangering it, as much by division concerning his punishment, as he hath endangerd it by his practices.

If this may not be hearkned unto, let me conclude in saying that unto you all, which I have throughly inculcated to mine owne conscience upon this occasion. Let every man lay his hand upon his heart, and sadly consider what wee are going to doe with a breath, either justice or murther; justice on the one side, or murther heightned and aggravated to its supremest extent. For as the Casuists say, that he who lyes with his sister commits incest, but he that marries his sister sins higher, by applying Gods Ordinance to his crime: So doubtlesse he that commits murther

cher with the ſword of Juſtice, heighten's that crime to the utmoſt.

The danger being ſo great, and the caſe ſo doubtfull, that I ſee the beſt Lawyers in diametrall oppoſition concerning it; Let every man wipe his heart as he does his eyes, when he would judge of a nice and ſubtile object. The eye if it be pretincted with any colour, is vitiated in its diſcerning. Let us take heed of a blood-ſhotten eye of Judgement.

Let every man purge his heart cleare of all paſſions, (I know this great and wiſe body politicke can have none, but I ſpeake to individuals from the weakeneſſe which I find in my ſelfe.) Away with all perſonall animoſities, away with all flatteries to the people, in being the ſharper againſt him, becauſe he is odious to them; away with all feares, leaſt by the ſparing his blood they may be incenſt; away with all ſuch conſiderations, as that it is not fit for a Parliament, that one accuſed by it of Treaſon ſhould eſcape with life.

Let not former vehemence of any againſt him, nor feare from thence, that he cannot be ſafe while that man lives, bean ingredient in the ſentence of any one of us.

Of all theſe corruptive of judgement, Ma-

Master Speaker, I doe before God discharge my selfe to the uttermost of my power, And do with a cleare Conscience wash my hands of this mans blood, by this solemne protestation, that my Vote goes not to the taking of the Earle of *Strafords* life.

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*FINIS.*